



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,359	06/28/2001	Hiroki Yamaboshi	1422-0481P	2668

2292 7590 09/30/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
----------	--------------

1751

DATE MAILED: 09/30/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,359

Applicant(s)

YAMABOSHI ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1751

1. This action is responsive to the amendment filed on June 26, 2003.
2. The cancellation of claim 2 is acknowledged. Claims 1, 3-6 are pending.
3. The rejection of claims 1-2, 4-6 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicants' amendment.
4. The rejection of claims 1-3 and 5 under 35 U.S.C. 102(b) as being anticipated by Cheng (US Patent No. 4,414,130) is withdrawn in view of applicants' amendment and arguments therein.
5. The rejection of claims 1, 3, 4 and 6 under 35 U.S.C. 102(b) as being anticipated by Seiter et al. (US Patent No. 4,707,290) is withdrawn in view of applicants' amendment.
6. The rejection of claims 1, 3, 4 and 6 under 35 U.S.C. 102(b) as being anticipated by Grecsek (US Patent No. 5,024,778) is withdrawn in view of applicants' amendment.
7. The rejection of claims 1, 3, 4 and 6 under 35 U.S.C. 102(e) as being anticipated by Kubota et al. (US Patent No. 6,376,453) is withdrawn in view of applicants' amendment.

Art Unit: 1751

8. The rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Cheng as applied to the above claims is withdrawn in view of applicants' amendment.

9. The **disclosure is objected** to because of the following informalities: On page 3, line 9, it is suggested that "any one of claims 1 to 5" be replaced with "the invention".

Appropriate correction is required.

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 1, 4-5 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Williams et al. (US Patent No. 4,239,640), hereinafter "Williams".

Williams teaches a method for the manufacture of solid detergents which comprises spray-drying an aqueous slurry comprising sodium tripolyphosphate, sodium silicate, carboxymethyl cellulose and sodium sulphate to give a spray-dried powder, and spraying on the powder an aqueous solution of 65% concentration of an 8 mole ethoxylate of a coconut-based alcohol at a rate of 7.7 parts to 70 parts of powder (see Example at col. 2, line 54 to col. 3, line 14). Even though Williams teaches does not explicitly disclose giving a defect to a coating film, such step would be inherent in the spraying of the aqueous solution of nonionic surfactant onto the spray-

Art Unit: 1751

dried powder of Williams because same process steps have been utilized. Hence, Williams anticipates the claims.

12. Claims 1, 4-6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cala (US Patent No. 3,929,679).

Cala teaches a method of making a free flowing, particulate heavy duty synthetic organic detergent composition which comprises spray drying an aqueous detergent composition crutcher mix comprising sodium carbonate, sodium silicate, anionic detergent and sodium carboxymethyl cellulose, adding disodium 2-hydroxyethyl iminodiacetate hexahydrate to the spray-dried beads, additional 15 parts of sodium silicate solution are sprayed onto the tumbling detergent beads, and spraying Neodol 45-11, in liquid form, onto the detergent beads (see Example 1, col. 9, line 56 to col. 11, line 30; claim 14). Even though Cala does not explicitly disclose giving a defect to a coating film, such step would be inherent in the spraying of aqueous sodium silicate solution onto spray-dried beads of Cala because same process steps have been utilized. Hence, Cala anticipates the claims.

13. Claims 1, 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota et al. (US Patent No. 6,376,453), hereinafter "Kubota".

Kubota teaches a process for preparing detergent particles which comprises spray drying a slurry comprising zeolite, sodium polyacrylate, sodium carbonate, less than 5% by weight anionic

Art Unit: 1751

surfactant to form base particles (see col. 24, lines 13-66), spraying surfactant to the base particles in the form of a liquid mixture or aqueous solution by dispersing or dissolving the solid or paste-like surfactant in water to prepare an aqueous solution of surfactants (see col. 19, lines 8-16).

Kubota, however, fails to disclose giving a defect to a coating film.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the step of spraying an aqueous solution of surfactant onto the spray-dried base particles of Kubota to give a defect to a coating film because similar process steps have been utilized.

14. Applicant cannot rely upon the foreign priority papers to overcome the rejection based upon Kubota because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

15. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references are considered cumulative to or less material than those discussed above.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

Art Unit: 1751

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

September 17, 2003

Lorna M. Douyon

Lorna M. Douyon
Primary Examiner
Art Unit 1751